

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

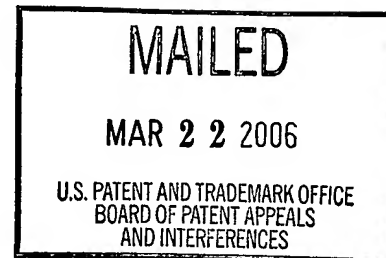
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT H. MONTGOMERY, JR.

Application No. 10/657,397

ORDER RETURNING UNDOCKETED APPEAL



This application was received at the Board of Patent Appeals and Interferences on February 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated May 7, 2004. There is no indication on the record that the Information Disclosure Statement was considered by the Examiner. A written communication notifying appellant of the Examiner's consideration is required.

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Accordingly, it is

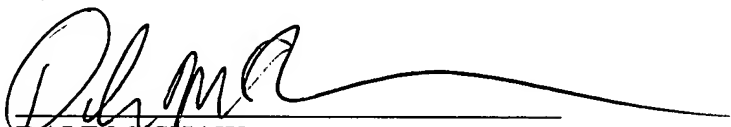
ORDERED that the application is returned to the examiner to:

1) consideration and proper written response to the Information Disclosure Statement filed May 7, 2005; and

2) for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES


DALE M. SHAW
Program and Resource Administrator
(571)272-9797

DMS/dpv

Application No. 10/657,397

John J. Prizzi
Kennametal, Inc.
P.O. Box 231
Latrobe, PA 15650